

Serial No. 10/810,526

**Drawing Amendments**

There are no amendments to the drawings.

Serial No. 10/810,526

RECEIVED  
CENTRAL FAX CENTER

APR 18 2008

**Remarks**

This a full and timely response to the outstanding Final Office Action mailed on 02/20/2008. Claims 12-22, 34-44, 56, 57, and 60, were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0198461 of D.J. Coombes (hereafter referred to as Coombes) in view of U.S. Patent Application Publication No. 2002/0142756 of J.D. Rutledge, et al. (hereafter referred to as Rutledge). Claims 12, 34, and 56 are being amended. No claims are being canceled.

Applicant's attorney wishes to thank the Examiner for the telephonic conference held on 04/08/2008 during which the disclosure in Coombes of a wireless handset detecting movement was discussed. No conclusions were reached.

**Rejection of Claims 12-22, 34-44, 56-57, and 60 under 35 U.S.C. §103(a) over Coombes in view of Rutledge**

The Specification and Drawings provide support for the amendments made to amended claims 12, 34, and 56 in Figure 2 which illustrates location detector 223 whose operation in detecting movement of the wireless handset are described at page 7, line 15 through page 8, line 7. Further support for these amendments is found within the Specification at page 5, lines 19-29.

Amended claim 12 recites:

Serial No. 10/810,526

A method for alerting a calling party of a delay before an incoming call will be answered by a user of a called wireless handset, comprising the steps of:

answering the incoming call by the wireless handset in response to a predefined amount of movement in a physical location of the wireless handset as detected by the wireless handset when the telecommunication terminal is not engaged in another call;

muting an audio path of the answered call from communication with the user; and

transmitting a message that is selected by the user to the calling party.

The rejection of amended claim 12 is respectfully traversed. Amended claim 12 recites in part "answering the incoming call by the wireless handset in response to a predefined amount of movement in a physical location of the wireless handset as detected by the wireless handset...."

Coombes and Rutledge do not disclose or suggest singularly or in combination the answering of an incoming call upon a predefined amount of movement in the physical location of the wireless handset being detected by the wireless handset; nor has the Office Action cited any text in Coombes or Rutledge where such a disclosure may be found. Applicant respectfully requests that the Examiner point out where such a disclosure maybe found.

Applicant respectfully submits that amended claim 12 is patentable under 35 U.S.C. §103(a) over the cited references.

Dependent claims 13-22 are directly or indirectly dependent on amended claim 12 and are patentable for at least the same reasons as amended claim 12.

RECEIVED  
CENTRAL FAX CENTER

Serial No. 10/810,526

APR 18 2008

Amended claim 34 and dependent claims 35-44 are patentable for the same reasons as amended claim 12 and dependent claims 13-22.

Amended claim 56 and dependent claim 57 are patentable for the same reasons as amended claim 12 and dependent claim 19.

Claim 60 is patentable for the same reasons as amended claim 12.

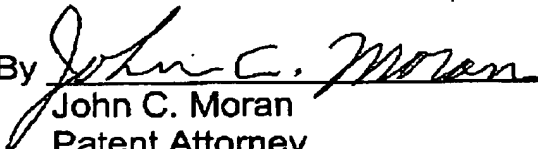
Summary

In view of the foregoing, applicant respectfully requests consideration of claims 12, 34, and 56, as amended, reconsideration of claims 13-22, 35-44, 57, and 60, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,

Julian James Orbach

By   
John C. Moran  
Patent Attorney  
Reg. No. 30,782  
303-450-9926

Date: 04/18/2008

Serial No. 10/810,526

John C. Moran, Attorney, P.C.  
4120 115<sup>th</sup> Place  
Thornton, CO 80233